

**SAINT CHRISTOPHER AND NEVIS**

**STATUTORY RULES AND ORDERS**

**No. 36 of 2007**

**MERCHANT SHIPPING (TONNAGE) REGULATIONS, 2007.**

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**No. 36 of 2007**

**MERCHANT SHIPPING (TONNAGE) REGULATIONS, 2007.**

In exercise of the power conferred under section 48(1) of the Merchant Shipping Act, No. 24 of 2002, the Minister responsible for Maritime Affairs makes these Regulations:

**PART I**  
**PRELIMINARY**

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1. **CITATION.** These Regulations may be cited as the Merchant Shipping (Tonnage) Regulations, 2007.

2. **INTERPRETATION.** In these Regulations, unless the context otherwise requires:

“Act” means the Merchant Shipping Act, No. 24 of 2002;

“Administration” means the Department of Maritime Affairs of the State whose flag the ship is entitled to fly;

“amidships” means the midpoint of the length of the ship;

“breadth” means the maximum breadth of the ship, measured amidships to the moulded line of the frame in a ship with a metal shell and to the outer surface of the hull in a ship with a shell of any other material;

“break” means the space bounded longitudinally by a side to side upward step in the lowest line of the upper deck and another such step or the end of the ship, transversely by the sides of the ship and vertically by the higher part of the deck and the lowest line of the upper deck continued parallel thereto;

“cargo spaces” means enclosed spaces which are included in the computation of gross tonnage and are appropriated for the transport of cargo to be discharged from the ship and which are permanently marked with the letters “CC” which mean cargo compartment, such letters being not less than one hundred millimetres in height and so positioned as to be readily visible;

“Certifying Authority” means the Director of the Department of Maritime Affairs or any other person authorised by the Director of Maritime Affairs for the purposes of these Regulations;

“Contracting Government” means the Government of a country which has accepted the International Convention on Tonnage Measurement of Ships, 1969;

“Convention” means the International Convention on Tonnage Measurements of Ships, 1969;

**“depth”** means the vertical distance measured from the top of the keel of a metal ship, or, in wood and composite ships from the lower edge of the keel rabbet, to the underside of the upper deck at side, or, in the case of a ship which is not fully decked, to the top of the upper strake or gunwale, save that:-

- (a) where the form at the lower part of the midship section is of a hollow character, or where thick garboards are fitted, the distance is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel;
- (b) in the case of a glass reinforced plastic ship where no keel member is fitted and the keel is of open trough construction, the distance is measured from the top of the keel filling, if any, or the level at which the inside breadth of the trough is 100 millimetres, whichever gives the lesser depth;
- (c) in ships having rounded gunwales, the depth measured to the point of intersection of the moulded lines of the deck and side shell plating, the lines extending as though the gunwales were of angular design; and
- (d) where the upper deck is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, the depth measured to a line of reference extending from the lower part of the deck along a line parallel to the raised part;

**“enclosed spaces”** means all those spaces, other than excluded spaces, which are bounded by the ship’s hull, by fixed or portable partitions or bulkheads, or by decks or coverings other than permanent or moveable awnings and without limiting the generality of the foregoing, no break in a deck, nor any opening in the ship’s hull, a deck, a covering of a space, or the partitions or bulkheads of a space, nor the absence of a partition or bulkhead, precludes a space from being included in the enclosed spaces and notwithstanding the definition of “excluded spaces”, any such space which fulfils at least one of the following conditions shall be treated as an enclosed space:

- (a) a space fitted with shelves or other means for securing cargo or stores;
- (b) a space fitted with any means of closing the openings therein;
- (c) a space constructed in such a way that there exists any possibility of an opening, mentioned in paragraph (b), being closed;

**“excluded spaces”** means:

- (a) that part of an enclosed space within an erection opposite an end opening and extending from the opening to an athwart ship line at a fore and aft distance from the opening equal to half the breadth of the deck of the line of the opening, such end opening having a breadth equal to or greater than ninety per cent of the breadth of the deck at the line of the opening and extending from deck to deck or to a curtain plate of a depth not exceeding by more than twenty-five millimetres the depth of the adjacent deck beams, as specified in figure 1 of the First Schedule, save that

- (i) where at any point the width of the enclosed space because of any arrangement except convergence of the outside plating, as specified in figure 3 of the First Schedule, becomes less than ninety per cent of the breadth of the deck at the line of the opening, the excluded space extends only to an athwart ship line intersecting that point, as specified in figures 2 and 4 of the First Schedule;
  - (ii) where the opposite ends of two enclosed spaces are separated by a gap, which is completely open except for bulwarks or open rails and of fore and aft length less than half the least breadth of the deck at the gap, then no part of the enclosed spaces are excluded, as specified in figures 5 and 6 of the First Schedule;
- (b) a space under an overhead deck covering open to the sea and the weather and having no other connection on the exposed sides with the body of the ship than the stanchions necessary for its support, however, in such a space, open rails or a bulwark and curtain plate may be fitted or stanchions fitted at the ship's side, save that the distance between the top of the rails or the bulwark and the curtain plate is not less than 0.75 metres or one-third of the height of the space, whichever is the greater, as specified in figure 7 of the First Schedule;
- (c) a space in a side-to-side erection between opposite side openings not less in height than 0.75 metres or one third of the height of the erection, whichever is the greater, save that where the opening in such an erection is provided on one side only, the space to be excluded from the volume of enclosed spaces is limited inboard from the opening to a maximum of one-half of the breadth of the deck in way of the opening, as specified in figure 8 of the First Schedule;
- (d) a space in an erection immediately below an uncovered opening in the deck overhead, save that such an opening is exposed to the weather and the space excluded from enclosed spaces is limited to the area of the opening, as specified in figure 9 of the First Schedule;
- (e) a recess in the boundary bulkhead of an erection which is exposed to the weather and the opening of which extends from deck to deck without means of closing, save that the interior width is not greater than the width at the entrance and its extension into the erection is not greater than twice the width of its entrance, as specified in figure 10 of the First Schedule;

“fixed permanent structure” includes any portion of the hull which is capable of being detached, but which must be fixed in place during the normal operation of the vessel. It does not include functional arrangements such as safety rails, bowsprits, pulpits, stemhead fittings, rudders, steering gear, outdrives, outboard motors, propulsion machinery, diving platforms, boarding platforms, rubbing strips and fenders;

“International Tonnage Certificate” or “ITC” means the International Tonnage Certificate issued under the Convention;

“length” means the greater of the following distances -

- (a) the distance between the foreside of the stem and the axis of the rudder stock; or
- (b) ninety-six per cent of the distance between the foreside of the stem and the aft side of the stern;

the said points and measurements being taken respectively at and along a waterline at eighty-five per cent of the least moulded depth of the ship, the waterline, being taken to be parallel to the designed waterline in the case of a ship having a rake of keel;

“length overall” means the distance between the foreside of the foremost fixed permanent structure and the aft side of the aftermost permanent structure;

“Load Line Regulations” means the Merchant Shipping (Load Line) Regulations made under the Act and includes in relation to any ship not registered in Saint Christopher and Nevis any corresponding regulations of the country in which the ship is registered;

“moulded depth” has the same meaning as depth;

“moulded draught” means

- (a) for ships assigned load lines, the draught corresponding to the summer load line, other than timber load lines;
- (b) for passenger ships, the draught corresponding to the deepest subdivision load line assigned in accordance with whatever Passenger Ship Construction Regulations are applicable to the ship in question at the time the draft is assigned;
- (c) for ships to which no load line has been assigned but the draught of which is restricted by the Minister, the maximum permitted draught;
- (d) for other ships, seventy-five per cent of the moulded depth amidships;

“oil tanker” means a ship constructed or adapted to carry oil in bulk in its cargo spaces and includes combination carriers;

“Register” means the Register of Saint Christopher and Nevis ships for the purposes of section 11 of the Act;

“Shipping (Passenger Ship Construction) Regulations” means the Shipping (Passenger Ship Construction) Regulations made under the Act;

“similar stage of construction” means the stage at which

- (a) construction identifiable with a specific ship begins; and
- (b) assembly of that ship has commenced comprising at least 50 tonnes or one per cent of the estimated mass of all structural material whichever is the less;

“SOLAS” means the International Convention for the Safety of Life at Sea;

“surveyor” means a surveyor appointed pursuant to section 411(3) of the Act.

**PART II**  
**ASCERTAINMENT OF TONNAGE AND CERTIFICATION FOR**  
**SAINT CHRISTOPHER AND NEVIS SHIPS OF 24 METRES IN LENGTH**  
**AND OVER**

3. **APPLICATION OF PART II.** This Part applies to ships of 24 metres in length or over registered or to be registered in Saint Christopher and Nevis.

4. **METHOD OF MEASUREMENT.** (1) A ship shall be measured by a surveyor.

(2) The gross and net tonnages shall be determined in accordance with regulations 6 and 7 provided that in the case of novel types of craft with constructional features which render the application of the provisions of these Regulations unreasonable or impracticable, the gross and net tonnages shall be determined as provided by the Minister.

(3) All measurements used in the calculation of volumes shall be taken and expressed in metres to the nearest one hundredth of a metre.

(4) Gross and net tonnages shall be expressed as whole numbers, decimals being rounded off downwards.

5. **CALCULATION OF VOLUMES.** (1) All volumes included in the calculation of gross and net tonnages shall be measured, irrespective of the fitting of insulation or the like, to the inner side of the shell or structural boundary plating in ships constructed of metal, and to the outer surface of the shell or to the inner side of the structural boundary surfaces in ships constructed of any other material.

(2) Volumes of appendages shall be included in the total volume.

(3) Volumes of spaces open to the sea shall be excluded from the total volume.

(4) The method and accuracy of the calculations shall be sufficiently detailed to facilitate checking.

6. **GROSS TONNAGE.** The gross tonnage (GT) of a ship shall be determined by the formula:

$$GT = K_1 V$$

where-

(a) V represents total volume of all enclosed spaces of the ship in cubic metres;

(b)  $K_1$  represents  $0.2 + 0.02 \log_{10} V$ , as specified in the Second Schedule.

7. **NET TONNAGE.** (1) The net tonnage (NT) of a ship shall be determined by the formula